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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,943	02/25/2004	Shozo Onmori	Q80057	9479
23373	7590	04/25/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CAO, ALLEN T	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/784,943	Applicant(s) ONMORI ET AL	
	Examiner Allen T. Cao	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-20 and 27 is/are pending in the application.
4a) Of the above claim(s) 4-7 and 15-20 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 is/are rejected.
7) ☒ Claim(s) 2, 3 and 27 is/are objected to.
8) ☒ Claim(s) 1-7, 15-20 and 27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/888,446.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/25/04 & 12/07/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

1. Applicant's election without traverse of Group I, claims 1-3 and 27 in the reply filed on 4/10/06 is acknowledged.
2. Claims 4-7 and 15-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/10/06.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al (US. 6,160,679) in view of Joyce et al (US. 5,923,490).

Maekawa et al discloses a recording medium cartridge defined as a magnetic tape cartridge having a cartridge body 21; a tape reel (25, 26) accommodated in the cartridge body and wound with a magnetic tape, the tape reel having upper and lower flanges; and a "non-contact" type memory device 128.

Maekawa et al does not disclose that the memory device disposed in a reel of at least one of the upper and lower flanges of the tape reel as set forth in claim 1.

Joyce et al discloses a magnetic tape cartridge having tape reels (figure 10) and a "memory" device (encoders). Joyce et al also teaches that the memory device can be disposed in a reel of at least one of the upper and lower flanges (50, 51) of the tape reel (see figure 10; column 6, lines 45-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to relocate the "non-contact" memory of the tape cartridge of Maekawa et al to disposed in a reel of at least one of the upper and lower flanges of the tape reel as set forth, as taught by Joyce et al through an obvious relocation of parts which is well obvious of engineer relocation choices.

5. Claims 2-3 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record neither discloses nor suggests a magnetic tape cartridge with all structural limitations as set forth in claim 1 and further includes limitations of "a position provided with said non-contact type memory device is a position that does not impede tape winding and interfere with a reel driving shaft inserted into said cartridge body from a recording/reproducing device when using said magnetic tape cartridge, and impedes neither a rotation of this reel driving shaft nor a rotation of said take-up hub in a configuration and a structure of said take-up hub" (claim 2); neither that "wherein said non-contact type memory device disposed in said tape reel is attached to a predetermined position within said tape reel by use of an adhesive agent, or fixed to a predetermined position by insert molding when molding parts" (claim 3); nor that "wherein said non-contact type memory comprises an IC chip and a data transmitting/receiving antenna" (claim 27).

Art Unit: 2627

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen T. Cao whose telephone number is (571) 272-7569. The examiner can normally be reached on Mon - Thurs (7:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Cao
Primary Examiner

AC
April 18, 2006